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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,382	09/12/2003	Wayne H. Rothschild	1842.004US1	6709
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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/WMS GAMING P.O. BOX 2938 MINNEAPOLIS, MN 55402				
			EXAMINER	
			RENDON, CHRISTIAN E	
			ART UNIT	PAPER NUMBER
			3714	
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			06/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/661,382	Applicant(s) ROTHSCHILD ET AL.	
	Examiner Christian E. Rendón	Art Unit 3714	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 2, 4, 7, 9, 13, 14, 17, 19-20, 23, 25, 27, 30, 32 and 36-37 are objected to because of the following informalities: the use of a trademark name requires the use of the appropriate trademark symbol when addressing objects like Sony PlayStation 2 and Microsoft Xbox. Appropriate corrections are required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 23 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. As stated below it is possible to connect two PlayStations or two Xbox in order to share computer resources and produce a combined gaming experience. The claim limitations imply that an Xbox and PlayStation 2 are connected together in order to produce a gaming experience. On the other hand there are some serious difficulties in creating a gaming experience using a networked PlayStation and Xbox since they are each designed under a different philosophy. The processors of the PlayStation were designed using RISC (Reduced Instruction Set Computer) architecture and the Xbox uses CISC (Complex Instruction Set Computer) architecture therefore the compiler of each system will translates the same code into different set of instructions resulting in miscommunication. A perfect analogy would be a person who speaks Spanish trying to communicate with someone who is speaking Mandarin; it doesn't work unless they have a common language to fall back on.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-6, 9-11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the IGN Staff (Xbox Specs) as evidence by Xbox.com (Xbox LAN Parties: Using System Link) in view of one of ordinary skill.

3. In October of 2001 the public was informed of the specifications and capabilities of the newly anticapted Microsoft XBOX (IGN Staff). The prior art discloses that the Xbox will contain broadband capabilities and the release of the "system link cable," "a cable for connecting two consoles for 8 player gameplay" (IGN Staff). This capability is referred to a "LAN Party" which requires two TVs or displays, two consoles each with its own copy of the game, a "system link cable" (Xbox.com) and one controller or 'gaming control unit' for every player. There are several past gaming systems that have also included this feature, "LAN Parties" into their system under different names: "iLink" for the Sony PlayStation 2, "DirectLink" for the Sega Saturn, "Game Link" for the Nintendo Gameboy. The functionality of "LAN Party" is included in several games of different genres: Halo, MotoGP, ESPN NFL Football; which allows for player to separately explore a game world at their own pace (Halo), have a full view of the race track (MotoGP) or play a game of football from their own perceptive (ESPN NFL Football). The nature of video games is to provide an interactive experience through multiple forms of media: video in the form of game images and cinematic scenes, audio through regular TV speaker or a 5.1 Dolby surround sound system, feedback signals or "Rumble Feature" to a player's controller. All of these medias are initiated differently by a game but in general cinematic

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scenes are triggered by the player reaching a certain point in the game's plot and are used as a means to further explore the main story or a side story. The scenes of a side story are considered a bonus or treat since it further enriches the story but it is not necessary to understand the main plot. These side story scenes some times contain audio: songs, sounds, spoken conversations that is only accessible to a player through these scenes. Trigger events can also produce feedback signals to represent the player taking damage from a bullet (Halo), crashing (MotoGP) or receiving a hit (ESPN NFL Football); which are features that are viewed as an extra or a bonus since the user is allowed to turn them off if they would like to.

4. Regarding claims 1, 5, and 10, the method claims of the current application are rejected in light of the background information stated above. The Xbox gaming system provides four controller ports (IGN Staff) for accessories and controllers or a 'gaming control unit'. Through the controller a player will perform certain operations that will result in an outcome, hence the interactive nature of a video game. As the player plays through a game or the primary media, they will activate trigger events or a bonus state that will present a secondary media like a cinematic scene, a change in the music or sending a rumble signal to the controller. The media is presented by one or more video game system when a game is utilizing its "LAN Party" capability. The Office would like to point out that all of the information that is stated above that is not found in the prior art is considered to be well known in the art of video games.

5. Regarding claims 3, 8, 12, 18, 22, 26, 31 and 35, the prior art is silent on the subject of using the system to play any form of casino games. It would have been obvious to one of ordinary skill in the art of gaming to create a gambling game for the PlayStation and Xbox. It is the nature of the video game industry to create a variety of games for different audiences and creating a casino game for people who like to gamble with fantasy money is no different. Hence the reason why older game

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systems like the Super Nintendo, Genesis, etc have casino games: Super Caesar's Palace and 777 Casino.

6. Regarding claims 4, 9, 14, 19, 27, 32, and 37, all contain the limitation of using an Xbox as the adapted video game system. A limitation that is met by the disclosure of the prior art.

7. Regarding claims 6 and 29, the prior art is silent about retransmitting a signal when an acknowledgement is not received. It is well known in the art of computer system to retransmit the signal when an acknowledgement is not received in order to complete the Handshaking protocol in progress.

8. Regarding claims 11 and 34, all of the said media is stored somewhere and in some form in the memory hierarchy of the gaming system: cache, RAM, flash card, Hard Drive, DVD-ROM.

9. Regarding claim 15-16, the prior art discloses that the Xbox is capable of 64 audio channels. In other words, the system is able to produce audio for various speaker configurations: mono, stereo, quad, full surround, sub-woofer, etc. Therefore if a person chooses to use a secondary audio unit like a 5.1 Dolby Surround System in conjunction with their TV speakers to create a 7.1 surround sound system, the Xbox can provide the necessary audio signals to utilize this particular audio setup.

10. Regarding claims 24, 28, 33, the claim limitations of these claims disclose a system of hardware components that are also described by the prior art, which were mentioned above during the background explanation and the rejection of the method claims.

**Claims 2, 7, 13, 17, 20-21, 25, 30 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giancarlo Varanini ("TimeSplitters 2 to support system link") as evidence by Alexander Lee ("iLink setup FAQ").**

11. The above description of "LAN Parties" disclosed by the IGN Staff as evidence by Xbox.com & the limitations they pertain is considered within this art rejection as well. Since the setup and

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capabilities of this feature are the same for the PlayStation 2 which are explained by Lee. Varanini discloses a game called "TimeSplitters 2" capable of utilizing the "LAN Party" feature on an Xbox (System Link) and the PlayStation 2 (iLink). Therefore this art combination reads on these claim limitations as well as the claims they depend too. Furthermore it is well known in the art of gaming that a cinematic scene is a form of video animation.

### **Conclusion**

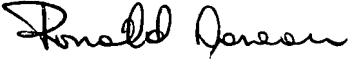
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian E. Rendón whose telephone number is 571-272-3117. The examiner can normally be reached on 9 - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christian E Rendón  
Examiner  
Art Unit 3714

CER

  
RONALD LANEAU  
PRIMARY EXAMINER

5/26/07